

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.04.2023**

CORAM:

THE HONOURABLE MRS.JUSTICE **R.THARANI**

Crl.O.P.(MD) No.5750 of 2020
and
Crl.M.P.(MD)No.3138 of 2020

M.Mariappan

... Petitioner/Accused No.1

Vs.

1.The State rep. by

The Inspector of Police,

Eral Police Station,

Thoothukudi District.

(Crime No.289 of 2020) ... 1st Respondent / Complainant

2.Muthuraja

... 2nd Respondent/ Defacto complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the entire records pertaining to the case in Crime No. 289 of 2020, pending on the file of the Inspector of Police, Eral Police Station, Thoothukudi District and to quash the same as against the petitioner.

For Petitioner : Mr.R.Anand

For Respondents : Mrs.M.Aasha
Government Advocate (Crl.Side)

: Mr.M.Maharaja for R2

ORDER

This petition is filed to quash the F.I.R in Crime No.289 of 2020, on the file of the first respondent police.

2. Counter affidavit was filed on the side of the second respondent.

3. The learned counsel for the petitioner seeks permission to withdraw the case and he has also made an endorsement to that effect.

4. On the side of the prosecution, it is stated that the investigation was almost over, due to the stay order, final report could not be filed.

5. On the side of the second respondent, it is stated that the petitioner was enjoying the stay order for the past 2 ½ years. Since there was a stay order, charge sheet was not filed. The petitioner has delayed

the proceedings and prayed for a direction to file charge sheet within a time frame.

6. On the side of the petitioner, it is stated that the second respondent could not get any relief in the petition filed by the petitioner.

7. In view of the submission made by the prosecution and in view of the fact that the petitioner was enjoying the stay order for the past 2 ½ years, the prosecution is directed to file a final report within a period of one month from the date of receipt of copy of this order.

8. With the above direction, this Petition is dismissed as withdrawn. Consequently connected Miscellaneous Petition is closed.

NCC : Yes/No

Index : Yes/No

Internet : Yes/No

Ls

06.04.2023

To

1.The Inspector of Police,
Eral Police Station,
Thoothukudi District.

R.THARANI. J.

Ls

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.(MD)No.5750 of 2020

06.04.2023